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VIA CM/ECF

The Honorable Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Eastern Profit Corp. Ltd. v. Strategic Vision US LLC*, C.A. No. 18-cv-2185 (LJL)

Dear Judge Liman:

We agree with Strategic that the Court's ability to judge credibility in this case is important, and were there no risk to the health of witnesses, court personnel, and attorneys, we certainly would rather that all witnesses testify without masks. However, we have consulted Eastern's witnesses and understand that some witnesses may insist on the right to wear a mask as a matter of personal safety. As a result, under the circumstances, we are comfortable that the Court will be able to make credibility determinations even though witnesses will be wearing masks. We are not aware of any support for the notion that the Court can require a witness to remove a mask over his or her objection, particularly in a civil bench trial.

As we noted when Strategic insisted (over Eastern's objection) on delaying the trial to require in person testimony in the court room, the pandemic has created circumstances that are not ideal. Eastern was willing last fall to proceed with the trial via video, a platform which would have provided the Court with close up views of witnesses' faces. Strategic objected, and the Court postponed the trial for 6 months, at the expense of additional preparation time and costs and a delay in Eastern's right to receive a disposition of its claims. Now that Strategic has gotten what it wanted—an in person trial amid a pandemic—it is objecting to witnesses wearing face masks. It cannot have it both ways.

Eastern is not prepared to delay the trial until all witnesses are comfortable appearing without masks, and we believe the trial must proceed as scheduled, keeping intact the Court's safety protocols and the witnesses' rights to wear protective personal equipment.

Respectfully,

/s/ Joanna J. Cline

Joanna J. Cline

cc: All Counsel of Record (By CM/ECF)